

DOCKET FILE COPY ORIGINAL

ORIGINAL

**Before the
Federal Communications Commission
Washington, D.C. 20554**

RECEIVED

NOV 22 1996

**FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF GENERAL COUNSEL**

In the Matter of)
Advanced Television Systems)
and Their Impact upon the)
Existing Television Broadcast Service)

MM Docket No. 87-268

To: The Commission

Comments of Larry L. Schrecongost

Larry L. Schrecongost, permittee of:
W49BV, Indiana, PA
WTYM, Kittanning, PA

November 22, 1996

No. of Copies rec'd
List ABCDE

WY

Summary of Standing

1). Larry L. Schrecongost (commenter) is 100% permittee of operating Low Power Television Station W49BV, Indiana, Pennsylvania, and has majority interest (51%) in family-owned and operated AM Radio Station WTYM, Kittanning, Pennsylvania. WTYM is licensed to Kittanning, the county seat of Armstrong County, and W49BV is permitted to Indiana, the county seat of Indiana County. Both counties are geographically contiguous to each other and, while being part of the Pittsburgh DMA, are completely out of the top 160 MSA's. WTYM has been on the air continuously since 1948. W49BV signed-on on July 19, 1996.

2). There are no FM allocations available to Armstrong County. In fact, Armstrong County is one of only 4 of Pennsylvania's 67 counties to be without any FM service. It is not possible under the Commission's Spacing Rules to allocate a new FM to Kittanning or anywhere in Armstrong County. WTYM is licensed at 1000 watts daytime and 28 watts nighttime. It is difficult to exist with these power levels, and as a stand-alone AM operating in the shadows of the 50,000 watt AM's and Class B FM's licensed to Pittsburgh. W49BV operates 24 hours daily at 21.3Kw E.R.P.

3). With the sign-on of W49BV, WTYM finally has a sister station and the communities of Indiana and Indiana County have their first-time local television

service. Being outside any SMA, Indiana and Armstrong Counties have common ties and operate as a mini-market with significant economic, educational and cultural exchange between the two counties. With W49BV, for the first time, local television coverage is able to, and has been highlighting the needs and interests of these two counties in its programming. These needs are not being met from any other source.

4). Indiana is the home town of movie-star James Stewart and has a museum to honor its most famous native son. W49BV has been working with the museum staff with ways to promote the museum and its mission. Indiana is also the home of Indiana University of Pennsylvania (IUP), offering Doctorial Degree's, and having a 15,000 student body population and, significantly, a branch campus in Kittanning. IUP is the largest university in the Pennsylvania stated-owned system. In its short life, W49BV has featured the university many times with on-air programming including the annual home-coming parade and an interview with an African native Professor of Journalism. Additionally, IUP offers a degree program in Communications, but until W49BV, no local on-air television outlet to promote the University or assist the students with a career in the broadcast communications field.

5). W49BV broadcasts the Bishop of the local Catholic Diocese, and special events, like the the local Arts Council summer festival. W49BV has produced and aired a two hour gavel-to-gavel program of the Strategic Planning Commission of Indiana. This Commission is comprised of community leaders and is an on-going fact-finding group which has been organized with the goal of planning for the next quarter century. This Public Affairs program was not on any other broadcast station - radio or television. Interestingly, prior to the activation of W49BV, one of the main goals by this Commission was to attempt to

locate a television station in the community because of the lack of local coverage by any other television station.

6). On Friday and Saturday, November 15-16, 1996, our local Shannock Valley High School girls volleyball team competed at State College, Pennsylvania in the State Volleyball Championship Games. Sixteen teams were represented from around the state. WTYM Radio and W49BV were the only radio and television stations in attendance. WTYM broadcast all five games live. W49BV videotaped the semi-final and final games and broadcast the final game on Monday November 18, 1996 at 8:00 P.M. Much to their disappointment, our Shannock team lost the final match but imagine how thrilled they were to watch themselves on television! In its short life, it is evident that W49BV has performed admirably in its mission, including making itself available for the airing of political commercials for the general election of 1996. Pennsylvania Senator Rick Santorum will be featured on W49BV in a one hour taped program on Sunday November 24, 1996 at 10 P.M. Additionally, W49BV broadcasts many public service announcements including those for the Armed Services, Junior Achievement, the Consumer Product Safety Commission and on January 1, 1997, will be serving the Indiana and Armstrong County areas with EAS capabilities. This is especially significant in that the Allegheny River runs through Armstrong County and that each spring it is particularly sensitive as an area prone to flooding. Having the ability to monitor this situation only by AM radio with 28 watts of nighttime power has been less than satisfactory. Needless to say, with the activation of WBV49 in the current year, this will no longer be a problem.

7). All of the W49BV special local programming has been aired during the "prime" hours of 7-11 P.M. when, according to industry statistics, more viewers are available. The thought of management is that these local interest programs

expense of their "country cousins," the LPTV stations. The Commission's "core" approach is dead wrong in that it substantially limits the number of licensee's possible and thus the number of voices that can be heard over the air waves.

LPTV broadcasters are being treated similar to pirate broadcasters who have no license and no standing. This proceeding affords little or no regard to the LPTV licensee--who has worked hard to build a station, the public interest programming that they provide, the diversity of ethnic voices that are broadcast, the jobs LPTV stations provide, and the substantial monetary investments that have been made. To silence them now is worse than not giving them a voice to speak in the first place.

16). The Commission should be cautioned on the rush to reclaim spectrum with the claim that all of this is in the public interest and that tremendous sums of money can be realized through auctions with the spectrum being used for other users. The Commission should understand that past auction performance is not indicative of future interest. If a licensee were to make such unqualified claims, there surely would be regulatory scrutiny. The Commission has not factored the annual user (loser) fees paid by the LPTV industry that the public treasury will not realize from the casualties of this proceeding. Lining Commission coffers by grabbing spectrum for auction will not offset the tremendous losses sustained by the public who will have lost their community voice.

17). In Indiana County there are approximately 25 pager transmitters, but only one television transmitter. With more pager transmitters and companies coming to the area as a result of earlier spectrum auctions, it is hardly likely that it is in the public interest at all to get rid of the only local television service available to Indiana County. The Commission needs to factor the tremendous public benefit that will be lost when public service announcements are less available and the fact that many candidates running for local public offices may find LPTV affordable

interest in every respect. Silencing community voices can never be in the public interest.

12). The Commission states in Paragraph 16 of the Notice "we are considering reducing the amount of spectrum allocated to television broadcasting, but without reducing the number of licensees". This Commission's talk of LPTV casualties at paragraph 66 of the Notice, directly contradicts its stated goal of "not reducing the number of licensees." Under the Core Option Plan there will be a 45% reduction in Commission-licensed LPTV stations.

13). In its Notice, at Paragraph 31, the Commission is inviting comment on its DTV Spectrum options. At paragraph 30, the Commission states, "the MSTV Table is not significantly different from the draft DTV Table included herein", and at paragraph 28, states, "The principle difference between the MTSV Table and the Table included herein is with regard to the use of spectrum...the MSTV proposed approach does not attempt to concentrate all DTV operations within a core area of the spectrum".

14). The only way to make such a conclusion is to totally disregard LPTV licensees in the proceeding. Consider the two proposals for the combined Pittsburgh and Altoona-Johnstown DMA's. I have examined both the FCC and the MTSA DTV proposals and find there is virtually no similarity between the two when weighing LPTV concerns. In both instances W49BV would be displaced.

15). LPTV's were licensed with the understanding they would have secondary status to full power only with respect to not creating interference. It was never envisioned that they would be secondary to anything and everything--including pagers, walkie-talkies, etc. In no way was it intended for the Commission to make LPTV licenses "substandard" or a "step child" of the industry. In ignoring the very valuable service LPTVs perform within their communities, the Commission is verifying the "might" of the full powers at the

should be on the air when they reach the highest audience and thus benefit everybody concerned the most.

8). In 1995, WTYM broadcast a total of 161 local little league, high school baseball, softball, basketball and football games. In 1996, to date, WTYM has broadcast a total of 137 such games. WTYM is a leader in this type of programming and we believe we broadcast more local games than any other station. The desire is to feature many local athletic events on television, and, if given time, this will happen.

9). Your commenter is not against digital television. In fact, W49BV is a leader among the full power brethren in the area, in that, all local programming is originally produced in a digital format.

10). If the proposals in the Sixth Further Notice of Proposed Rule Making (Notice) are adopted, the public benefits of W49BV will cease as W49BV will possibly be forced off the air.

Discussion

11). The Commission is soliciting comments on its "DTV Core Spectrum Option" proposal. I think it is rotten to the "core". The Commission has undertaken an exercise with the end result being preservation of full power television service in this country and a goal of making 45 broadcast channels out of the present 68 channels. Forty-five channels appears to be the Commission's magic threshold number in this overly simplistic proposal whereby every full power station can be accommodated with both an NTSC and Digital channel. In its 45-channel Core Option Plan, the Commission estimates that up to 45 percent of existing LPTV stations will not be able to operate and that up to 20 percent of all TV translators will not be able to operate, and yet, concludes that this plan is in "the public interest". This is simply not the case. What appears to be a simple solution, ends up -- quite the contrary -- as a plan that is counter to the public

but find the rates on full power stations out of their reach. How many Smoky the Bear or Girl Scouting PSA's are going to come over the pagers, walkie-talkies and cellular clones?

18). The LPTV industry is not responsible for the national debt and should not be sacrificed as a method to solve Washington's problems. Without LPTV's and the programming they provide, this world will be worse off.

19). The Commission must realize that for many television viewers, including those served by W49BV in Indiana County, the strongest signal received is from an LPTV station. This is because W49BV, like many of the LPTV transmitters, are many miles from a full power television transmitter. In the Indiana area, many viewers can only receive 2 or 3 weak full power stations. It can't be in the public interest to take the strongest received signal for many away in favor of receiving replicated weak full power stations.

20). Another huge burden to the LPTV industry must be factored in. The Commission's proposal at paragraph 13 of the Notice, proposes "allowing full power stations to increase their service area where such an increase would not create additional interference". If this proposal succeeds, the Commission's estimate of a 55% survival rate for the LPTV industry will be in error. The entire LPTV industry will be gutted. This Commission proposal cannot be allowed to stand.

21). Recognizing the importance of LPTV, the Commission has required these stations to install EAS equipment. In Indiana County, EAS dissemination will not be as complete if W49BV becomes a casualty of this proceeding. There are no other television stations licensed to Indiana County and the

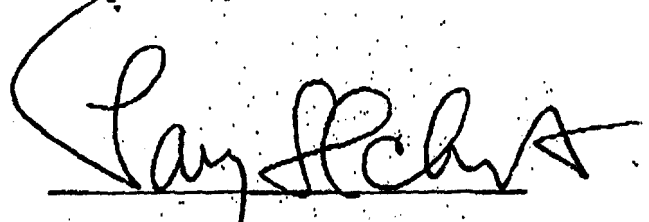
22). In conclusion, for the above-stated reasons, the public interest will not be served under the conclusions that appear to have already been made in the Commission's Sixth Further Notice of Proposed Rule Making. The public interest

can best be served by a diversity of voices which must necessarily include preserving the LPTV licenses.

Conclusion

23). Your commenter submits that by preserving the present television broadcast spectrum and by eliminating some UHF taboos that there will be room for the LPTV voice in the future of American television.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Larry L. Schrecongost", written over a horizontal line.

Larry L. Schrecongost